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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 118744-068
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<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>		
<p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>46,402</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p>		 <p>Signature Jeffrey J. Howell</p> <p>Typed or printed name</p> <p><u>202-955-6832</u> Telephone number</p> <p><u>October 1, 2007</u> Date</p>
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>		

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Jan SIMAL
Appl. No.: 10/050,034
Conf. No.: 1197
Filed: January 17, 2002
Title: METHOD FOR PROVIDING CALL CHARGE INFORMATION IN A
TELECOMMUNICATION LINK
Art Unit: 2617
Examiner: M. Thier
Docket No.: 118744-068

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF

Sir:

In reply to the Final Office Action dated June 29, 2007, Applicant hereby submits this Pre-Appeal Brief along with the attached Notice of Appeal.

Remarks begin on page 2 of this paper.

REMARKS

I. REJECTION OF CLAIMS 1, 6-9 AND 14-16 UNDER 35 USC 103(A) AS UNPATENTABLE OVER SWALE IN VIEW OF GRANBERG IS IMPROPER

The present invention discloses a system and a method for providing exact call charge information (e.g. total cost of a current call, cost per minute, etc.) in a telecommunication link between a calling and called subscriber at the called subscriber's side. The calling subscriber uses a first terminal which is connected to a first local telecommunication exchange. The second subscriber uses a second terminal which is connected to a second local telecommunication exchange.

Call charges arising for a telecommunication link are determined in the first local telecommunication exchange (calling subscriber's side), because call charge calculation is possible at the calling subscriber's side, whereas the charging tariff for a call is available at the calling subscriber's side. According to the invention, the first local telecommunication exchange generates a message which holds the corresponding call charge information (i.e. Charging Tariff, Add-on Charge, Charging Acknowledgement). The message is sent to the second local telecommunication exchange (called subscriber's side). The call charge information is configured such that it can be used for real time charging during the actual telecommunication link at the called subscriber's side – e.g. for Reversed-On-Line-Charging, Advice-of-Charge or Subscriber Credit Limit Supervision for the called subscriber. The call charge information creates a call charge account for the called subscriber in real time.

In the present invention, the call charge information is sent as a *message* from the first local telecommunication exchange of the calling subscriber to the second local telecommunication exchange of the called subscriber. Thus, the call charge can be calculated correctly in the second local telecommunication exchange (called subscriber's side) in real-time based on the call charge information sent. For sending the call charge information to the second telecommunication exchange, an APM ISUP message can be used.

The Examiner asserts in the rejection that Swale teaches a method and system for providing call charge information sent from a caller to a called party via two exchanges. The

Examiner also asserts that call charge information is determined in the first exchange and sent as a message to the second exchange in Swale. According to the Examiner, Swale's "Call Detail Record" reads on call charge information. Granberg is asserted by the Examiner for disclosing real-time charging and the Advice of Charge sent to mobile subscribers. The Examiner contends that a person of ordinary skill in the art would have combined Swale's call charge information and message disclosure with Granberg's real-time processing and Advice of Charge disclosure to attain the claimed invention. Applicants respectfully disagree.

CDRs (Call Detail Record) are not used for providing call charge information in real time, such as necessary for features of Advice of Charge, by which the actual call cost are displayed on the subscriber's terminal or Subscriber Credit Limit Supervision, by which the capability is provided of not allowing the accruing costs to exceed the upper limit by terminating the telephone call. A CDR is normally generated at the end of a call, and is processed in an operation support system (e.g. billing center) which is the basis for the bill sent to each subscriber. It is also mentioned in Swale that the CDR is stored in the storage of the Exchange.

Granberg discloses a method and apparatus for providing advice of charge parameters for mobile radio telephone calls. Advice of charge (AoC) is a feature used in ISDN- and mobile networks. AoC offers the subscriber detailed information on call charges of a call – before, during or immediately after the call – shown at the subscriber's device (e.g. display of the cellular phone, etc.). Therefore the call charge information has to be available at the subscriber's side (e.g. local exchange) for use in real time charging. Normally, the exchange sends a multiplier per rate unit (e.g. minute) as well as the cost of one rate unit (e.g. unit) to the subscriber's device.

As noted in the independent claims, the call charge information is configured for use in real time charging and for service attributes including Advice of Charge or Subscriber Credit Limit Supervision. Thus the present invention uses real-time charging for which no call detail records are used.

The Examiner appears to be misinterpreting the term "in real-time." "In real-time" does not mean that the message holding the call charge information is sent in real-time from the

first to the second local telecommunications exchange, but that the call charging is done in real time and is therefore call “real-time-charging”, which is generally necessary for Advice of Charge or Subscriber Credit Limit Supervision.

Since Swale teaches the use of Call Detail records, which are generated *at the end of* a call, and the AoC parameters taught by Granberg are used *in real time*, the charge band cannot read on the AoC, as suggested by the Examiner.

II REJECTION OF CLAIMS 2-3 AND 10-11 UNDER 35 USC 103(A) AS UNPATENTABLE OVER SWALE IN VIEW OF GRANBERG, FURTHER IN VIEW OF LAMPOLA IS IMPROPER

The rejection is respectfully traversed for the same reasons presented in the arguments above.

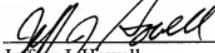
III REJECTION OF CLAIMS 4-5 AND 12-13 UNDER 35 USC 103(A) AS UNPATENTABLE OVER SWALE IN VIEW OF GRANBERG AND LAMPOLA, FURTHER IN VIEW OF FABRITIUS IS IMPROPER

The rejection is respectfully traversed for the same reasons presented in the arguments above.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

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Dated: October 1, 2007